

Testimony Regarding

Raised Bill 5507

An Act Concerning the Appointment of Zoning Enforcement Officials, Building Officials and Fire Marshals

made before the

Planning and Development Committee

March 14, 2014

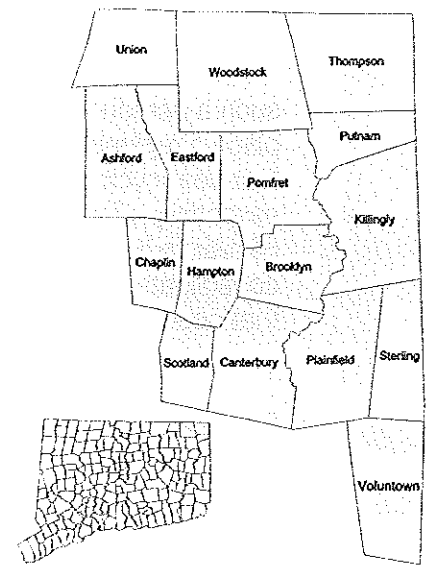
The Northeastern Connecticut Council of Governments **fully support** Raised Bill 5507, An Act Concerning the Appointment of Zoning Enforcement Officials, Building Officials and Fire Marshals and urges the members of the Planning and Development Committee to give it **favorable consideration**.

The bill addresses three municipal positions: Zoning Enforcement Officer, Building Official and Fire Marshal. The bill does not seek to change the qualifications of these positions or their respective functions.

- ▶ **Zoning Enforcement Officer** - Currently, the appointment authority for a zoning enforcement officer (Section 8-3 of the General Statutes) is not clear. House Bill 5507 would make it clear that the chief executive officer (in consultation with the zoning commission) would be the appointing authority. Some of our member town zoning commissions believe (and it has been the practice) that they are the appointing authority. This creates a conflict, confusion and hinders a towns ability to work with other towns and to act regionally. NECCOG's support of this provision of HB 5507 is in no way an attempt to control the powers of a zoning commission (to draft or enforce its regulations) or to control the enforcement actions of a ZEO.

The statute currently states: "the zoning commission shall provide for the manner in which the zoning regulations shall be enforced." We do not believe that the intent of this authority was to give a zoning commission the authority to hire enforcement personnel for a town - rather it was, we believe the authority to prescribe - through their regulations - the manner in which the regulations are to be enforced. House Bill 5507 simply makes clear that a town (which is the employer) - through its chief-executive officer hires a zoning enforcement officer.

- ▶ **Building Official** - This provision of House Bill 5507 removes the current four-year term of office for a building official and additionally removes language regarding the dismissal of such a person from the position of building official. Again, it does not change the qualifications for a person holding this position. NECCOG believes that a four-year term and current language that speaks to the dismissal process is not defensible. A four-year term is completely artificial and has no basis - it is in fact arbitrary. It is our view that a qualified building official should be subject to the same rights and remedies as other municipal employees. In particular the four-year term limits both the ability of a town to remove a person in such a position and limits the ability to share



such a person with another town or to act regionally. For example, if our region decided to put in place a regional building inspection program - participation would be limited by the point in the four-year cycle each building official was in or their willingness to cooperate (given that they have essentially a four-year contract). Additionally, during times when building activity is not active (similar to the past few years) and local budgets are tight - our towns need the flexibility to consolidate or act regionally. The current statutory structure for building officials works against that need.

- ▶ **Fire Marshal** - The sections of the bill addressing the fire marshal position are intended to clarify the appointment authority and appointment duration of this position. As town employees we believe that fire marshals should be appointed by and accountable to the chief executive officer for the town in which they work. Section 3 of HB 5507 makes that change. This section also (lines 63-64) removes language that has caused some to infer that the appointment is open-ended. We just want to ensure that a fire marshal is treated similar to other municipal employees. Similar to the building official - the current appointment situation may hinder inter-local and regional approaches.

In conclusion, the members of the Northeastern Connecticut Council of Governments are seeking with HB 5507 and other initiatives to foster inter-town and regional actions. The changes put forth in this legislation provide additional options for us to further those goals.

Thank you for your consideration of our position.

Please refer any questions to:

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